

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ATTORNEYS OF RECORD:

VICTORIA WOODIN CHAVEY, ESQ.
JEFFREY W. BRECHER, ESQ.
BRETT M. ANDERS, ESQ.

-----X
MONIQUE DA SILVA MOORE,
MARYELLEN O'DONOHUE, LAURIE
MAYERS, HEATHER PIERCE, and
KATHERINE WILKINSON, on behalf of
themselves and all others similarly situated,

Plaintiffs,

Case No. 11-cv-1279 (ALC) (AJP)

vs.

PUBLICIS GROUPE SA and
MSLGROUP,

Defendants.
-----X

**DECLARATION OF BRETT M. ANDERS IN SUPPORT OF
DEFENDANT MSLGROUP'S OPPOSITION TO
PLAINTIFFS' RULE 72(A) OBJECTION TO
MAGISTRATE JUDGE PECK'S FEBRUARY 8, 2012 RULINGS**

I, Brett M. Anders, declare as follows:

1. I am an attorney admitted to practice law before the Courts of the State of New York, including the United States District Court for the Southern District of New York. I submit this Declaration in support of Defendant MSLGroup's Opposition to Plaintiffs' Rule 72(A) Objection To Magistrate Judge Peck's February 8, 2012 Rulings.

2. During the conference on January 4, 2012, counsel for the parties discussed whether it was necessary for the "issue tags" contained within the ESI Protocol to include specific definitions. It was agreed that lengthy definitions for each of the terms was not

necessary since Plaintiffs will see how the documents are being coded for issues and have an opportunity to comment/object if they believed a document was miscoded.

3. Attached hereto as Exhibit A is a true and correct copy of MSL's October 21, 2011 correspondence to Plaintiffs.

4. Attached hereto as Exhibit B is a true and correct copy of MSL's November 3, 2011 correspondence to Plaintiffs.

5. Attached hereto as Exhibit C is a true and correct copy of the proposed ESI Protocol submitted to Judge Peck on January 25, 2012.

6. Attached hereto as Exhibit D is a true and correct copy of the unpublished decision Moody v. Turner Corp., Case No. 1:07-cv-692 (S.D. Oh. September 21, 2010).

7. Attached hereto as Exhibit E is a true and correct copy of an article that appeared in Law360 on February 27, 2012 entitled "E-Discovery Order Could Boost Automated Doc Review."

8. Attached hereto as Exhibit F is a true and correct copy of the Court's February 24, 2012 Opinion and Order, which also appears at Dkt. No. 96.

9. Attached hereto as Exhibit G is a true and correct copy of the transcript from the January 4, 2012 hearing before Judge Peck.

I declare under the penalties of perjury that the foregoing is true and accurate to the best of my knowledge and belief.

Dated: March 7, 2012

/s/ Brett M. Anders
Brett M. Anders